

Message Text

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ACTION DLOS-05

INFO OCT-01 ARA-06 IO-10 ISO-00 OIC-02 FEA-01 AID-05

CEQ-01 CIAE-00 OFA-01 COME-00 DODE-00 EB-07 EPA-01

INR-07 L-02 NSF-01 NSC-05 NSAE-00 PM-03 OES-03 SS-15

SP-02 ACDA-05 ERDA-05 AGR-05 DOTE-00 INT-05 JUSE-00

OMB-01 CIEP-01 CEA-01 CG-00 H-02 PA-01 PRS-01 USIA-06

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R 172130Z MAR 75

FM AMEMBASSY QUITO

TO SECSTATE WASHDC 4835

INFO USMISSION GENEVA

AMCONSUL GUAYAQUIL

AMEMBASSY LIMA

AMEMBASSY SANTIAGO

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GENEVA FOR USLOS DELEGATION

E.O. 11652: N/A

TAGS: PFOR, PLOS, EC

SUBJ: ECUADOR AT THE LOS CONFERENCE

REF: QUITO 1476

1. THE ECUADOREAN DELEGATION TO THE GENEVA LOS CONFERENCE
DEPARTED QUITO ON MARCH 14, COMPOSED OF INDIVIDUALS NAMED REFTEL.

2. IN AN AIRPORT STATEMENT GIVEN JUST BEFORE DEPARTURE, THE
ECUADOREAN CHIEF OF DELEGATION, AMBASSADOR LUIS VALENCIA
RODRIGUEZ REAFFIRMED ECUADOR'S INTENTION TO DEFEND THE 200
MILE LIMIT. VALENCIA WENT ON TO ADD, "THE POSITION OF A
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TERRITORIAL SEA OF 200 MILES, WHICH EMERGED IN CARACAS

AS THE CLEAREST AND STRONGEST DEFENSE OF COASTAL STATES, IS THE ESSENTIAL POSITION WHICH THE ECUADOREAN DELEGATION WILL TRY TO DEVELOP IN GENEVA." VALENCIA SAID ECUADOR WAS A COORDINATOR OF THE "TERRITORIALIST" GROUP, AND ALLEGED THAT "THE THESIS OF 200 MILES, IN ITS BROADEST AND MOST GENERAL FORMULA, HAS A MAJORITY BEHIND IT." BUT HE WENT ON TO NOTE THAT THERE WAS ANOTHER SCHOOL OF THOUGHT "WHICH GIVES THE COASTAL STATE CERTAIN UNENCUMBERED PREFERENCES AND SPECIALIZED JURISDICTIONAL RIGHTS, AND WHICH WOULD HAVE THE EFFECT OF GIVING THE COASTAL STATES SOVEREIGN RIGHTS OVER EXPLORATION AND EXPLOITATION OF NATURAL RESOURCES UP TO THE 200 MILE LIMIT." HE WENT ON TO SAY THAT OF THE TWO GROUPS, IT CAN BE APPRECIATED THAT WHILE THE "TERRITORIALIST" GROUP HAS THE SIMPLEST, CLEAREST JURIDICAL CONCEPT, THE OTHER GROUP (ECONOMIC RESOURCE ZONE JURISDICTION) "WANDERS AMONG GENERALIZED PRINCIPLES WHICH WOULD EASILY BECOME THE SOURCE OF FUTURE CONTROVERSIES FOR LACK OF THEIR PRECISION, AND THAT ALLOW THE GREAT POWERS TO CONTINUE EXPLOITING SOMEONE ELSE'S RESOURCES FOR THEIR OWN BENEFIT." THERE WAS THEN SOME CHAFF THROWN UP FOR LOCAL PUBLIC CONSUMPTION ("THERE SHOULD BE NO DOUBT THAT THIS CONFUSED STATE OF AFFAIRS WAS BROUGHT ABOUT BY THE GREAT POWERS FOR THEIR OWN BENEFIT").

3. THEN VALENCIA TURNED TO THE MEAT COURSE. "THE GREAT POWERS HAVE RESORTED TO TWO OTHER SUBTERFUGES; FIRST, THEY HAVE DECLARED THAT A 200 MILE TERRITORIAL SEA WOULD LEAVE 40 PERCENT OF THE WORLD'S COASTAL STATES SHUT OFF FROM THE HIGH SEAS, LOCKED WITHIN ENCLOSED WATERS, CLOSED OR SEMI-ENCLOSED SEAS, PROVOKING DISPUTES ABOUT WHO OWNS WHICH SLICE OF WHAT SEA-BED; SECOND, THEY ALLEGE THAT THE "TERRITORIALIST" POSITION WOULD OBSTRUCT OR ELIMINATE FREEDOM OF NAVIGATION ON THE HIGH SEAS. BOTH OF THESE ACCUSATIONS ARE FALSE. ECUADOR HAS CONSISTENTLY AND REPEATEDLY SAID THAT ITS POSITION IS THAT COASTAL STATES HAVE THE RIGHT TO EXTEND THEIR SOVEREIGNTY TO THE 200-MILE LIMIT SUBJECT TO GEOGRAPHIC, GEOLOGICAL, BIOLOGICAL AND ECOLOGICAL NEEDS, NATIONAL SECURITY INTERESTS, AND THE NEEDS OF THEIR PEOPLES. THE EXTENSION OF SOVEREIGNTY OVER A TERRITORIAL SEA OF 200 MILES HAS TO BE SUBJECT TO LIMITED OFFICIAL USE

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THESE FACTORS, BECAUSE THEY ARE NOT THE SAME FOR ALL COUNTRIES, OR IN ALL PARTS OF THE WORLD. AND WITH RESPECT TO THE SECOND ACCUSATION (TRANSIT/STRAITS), THE ECUADOREAN DELEGATION HAS SAID THAT THE "TERRITORIALIST" POSITION DOES NOT IMPLY THAT ECUADOR DOES NOT RECOGNIZE OR SEEKS TO OBSTRUCT THE RIGHTS OF THE INTERNATIONAL COMMUNITY. IN EFFECT, MAINTAINING A TERRITORIAL SEA TO THE 200 MILE LIMIT IS COMPATIBLE WITH A RECOGNITION OF THE NEED FOR

FREEDOM OF COMMUNICATIONS, NOT ONLY MARITIME BUT ALSO IN THE AIR, AS WELL AS UNDERSEA COMMUNICATIONS LINK AND SUB-MARINE CABLES, ALL OF THEM WITH DUE RESPECT TO THE RIGHTS OF THE COASTAL STATE." VALENCIA CLOSED BY REPEATING THAT THE ECUADOREAN DELEGATION WAS "GOING TO GENEVA WITH AN OPEN MIND, WILLING TO HEAR REASONABLE PROPOSAL WHICH ARE COMPATIBLE WITH THE INTERESTS AND NEEDS OF ALL COASTAL STATES. THE ECUADOREAN DELEGATION'S ATTITUDES WILL BE DETERMINED BY DEVELOPING POSITIONS ON THE 200-MILE TERRITORIAL SEA, AND WITHIN THAT CONCEPT, PRINCIPALLY BY THOSE ELEMENTS RELATED TO THE EXPLORATION FOR AND EXPLOITATION OF MARINE AND MINERAL RESOURCES, THE ESTABLISHMENT OF AN INTERNATIONAL JURIDICAL AUTHORITY, PROPOSALS FOR SCIENTIFIC RESEARCH, POLLUTION CONTROL, AND TRANSFER OF TECHNOLOGY."

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INFO OCT-01 ARA-06 IO-10 ISO-00 OIC-02 FEA-01 AID-05

CEQ-01 CIAE-00 OFA-01 COME-00 DODE-00 EB-07 EPA-01

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4. IN A RELATED EDITORIAL, EL TIEMPO (ONE OF WHOSE

PRINCIPAL EDITORIAL COMMENTATORS IS EX-FOREIGN MINISTER JULIO PRADO, WHO LAST YEAR WROTE A SERIES OF COLUMNS STRONGLY CONDEMNING ECUADOR'S LOS STANCE AS IMPRACTICAL, UNREASONABLE, AND IMPOSSIBLE) SAID IT WAS TIME FOR A NEW DISCUSSION OF LAW OF THE SEA. "IT IS IMPORTANT FOR ECUADOR TO PUSH FOR A RECOGNITION OF THE RIGHT OF COASTAL STATES TO ESTABLISH A 200-MILE ZONE BENEATH THEIR OWN JURISDICTION AND SOVEREIGNTY. BUT WE KNOW VERY WELL THAT A TERRITOTIAL SEA OF THIS DIMENSION HAS NO CHANGE OF BEING ACCEPTED. ECUADOR'S POSITION ON THIS ASPECT PROBABLY HAS LESS THAN THE MAJORITY VOTE IN GENEVA, NEEDED TO BECOME LAW. IT APPEARS THAT THE MAJORITY OPINION IS BEHIND A TERRITOTIAL SEA OF 12 MILES, AND AN ECONOMIC RESOURCE ZONE OF 200 MILES. THIS WAS THE CONSENSUS THAT EMERGED FROM THE LIMITED OFFICIAL USE

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DISCUSSIONS IN CARACAS. AND IT IS WELL THAT IT DID, BECAUSE IT HAS PROVOKED INDIGNATION AMONG FISHING AND INDUSTRIALIZED COUNTRIES, WHICH WILL HELP IN GETTING IT ACCEPTED BY ALL THE OTHERS, SINCE IT WILL BE NECESSARY IN GENEVA TO BE SEEN TO BE PRICKING THE GREAT POWERS IN ORDER TO GET THE NEEDED MAJORITY. ECUADOR HAS THE POWER, UNDER ITS CIVIL CODE, TO ALLOW FREEDOM OF NAVIGATION WITHIN THE 200 MILE LIMIT, AND IF SHE SAID SO, HER POSITION WOULD BE MUCH MORE EASILY ACCTPED IN GENEVA. SINCE ECUADOR HAS NOT DONE THIS, FOR WELL-KNOWN REASONS, AND DUE TO IMPRUDENT PRESSURE FROM A SMALL SECTOR OF THE PUBLIC, SHE STANDS TO LOSE ON HER CLAIMS TO A 200-MILE TERRITORIAL SEA AS WELL. OUR GOAL SHOULD BE TO EXERCISE SOVEREIGNTY OVER OUR MARINE RICHES, IN THE SEA, ON THE SEA-BED, AND BENEATH IT. IF OUR POSITION ON THE 200-MILE TERRITORIAL SEA IS DISAPPROVED, WE SHOULD GO ALONG WITH THE ESTABLISHMENT OF AN ECONOMIC RESOURCE ZONE WHICH WOULD GIVE US SOVEREIGNTY OVER THE RICHES THAT THAT ZONE CONTAINS."

5. IN AN EDITORIAL ON MARCH 16TH, EL COMERCIO, QUITO'S LARGEST DAILY ALSO ECHOED VALENCIA'S WORDS. ECUADOR WILL BE GOING OFF TO GENEVA TO DEFEND ITS 200 MILE POSITION "WHICH IS BASED ON THE ABSOLUTE NEED TO DEFEND THE INTERESTS OF THE DEVELOPING COUNTRIES." THE COMERCIO EDITORIAL DENIED THAT THE 200 MILE POSITION WAS AN ATTEMPT TO LIMIT IN ANY WAY FREEDOM OF NAVIGATION, MEANS OF COMMUNICATION, WHETHER ON THE SEA OR IN THE AIR ABOVE IT. IT ENDED ON THE DISCUSSION OF THE EVOLUTION OF THE 200 MILE POSITION AND TIED THAT POSITION SOLELY TO THE NEED TO PROTECT THE NATURAL RESOURCES REQUIRED FOR THE ECUADOREAN DEVELOPMENT AND IN SOME CASES SURVIVAL OF THE UNDER-DEVELOPED COUNTRIES.

6. AND IN A COLUMN IN EL TIEMPO OF MARCH 14TH, JULIO

PRADO (FORMER FOREIGN MINISTER MENTIONED IN PARA 4) RECITED HIS WELL-KNOWN BELIEF THAT WHILE THE 200 MILE LIMIT WAS AN ABSOLUTE NECESSITY WITH RESPECT O MARINE, FISH, AND MINERAL RESOURCES, "FREEDOM OF NAVIGATION IS A PRINCIPLE WHICH CANNOT BE ABOLISHED OR DISCARDED. THE DEVELOPMENT OF A 200 MILE LIMIT HAS NOT COME ABOUT IN ORDER TO OVERTURN ESTABLISHED NORMS OF INTERNATIONAL LAW WHICH CONSTITUTE LIMITED OFFICIAL USE

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ONE OF THE BASES FOR THE INTERNATIONAL COMMUNITY." BUT PRADO DOES GO ON TO SAY THAT "IT WILL BE NECESSARY TO DEFEAT POSITIONS SUCH AS THAT ENUNCIATED BY THE US WHICH SEEK A SPECIAL TREATMENT OR REGIME FOR FISH, AND SPECIFICALLY FOR SPECIES SUCH AS SALMON OR MIGRATORY FISH SUCH AS TUNA. THIS CRITERION IS NOT ACCEPTABLE. THE SOVEREIGNTY AND JURISDICTION OF THE COASTAL STATE CANNOT BE LIMITED BY EXCEPTIONS FOR CERTAIN OF THE RESOURCES THAT EXIST WITHIN THE LIMIT OF ITS CONTROL."
BREWSTER

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